

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.1507 of 2018

ORDER

This revision under Article 227 of the Constitution of India is filed challenging the order dated 15.02.2018 passed in I.A.No.1908 of 2017 in A.S.No.276 of 2017 by the IX Additional Chief Judge, City Civil Court, Hyderabad, whereby the interim order of stay (*ex parte*) was vacated since the counsel for the respondent filed counter and reported ready for enquiry and the petitioners' counsel did not represent the matter.

2. The only contention of petitioners before this Court is that the Court below did not afford an opportunity to advance argument in I.A.No.1908 of 2017 and vacated the interim order of stay by passing a cryptic order.

3. During hearing, the counsel for petitioners reiterated the grounds urged in the petition.

4. As seen from the order impugned, the Court below has vacated the interim order only on the ground that the counsel for respondent filed counter and reported ready and the petitioners did not represent the matter. The Court below has to decide the petition on merits advertent to the contentions raised by both the parties, but passing of cryptic order without any reason is unsustainable and therefore, the order impugned is set aside, remanding the matter to the Court below directing the petitioners to advance their arguments within 15 days from today in I.A.No.1908 of 2017 in A.S.No.276 of

2017 and on advancement of arguments by both the counsel, the Court below is directed to dispose of the application on merits, and in case, the petitioners did not turn up and advance arguments, the Court below may pass appropriate order in accordance with law.

5. With the above direction, the Civil Revision Petition is disposed of, at the stage of admission. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

6th March, 2018

sj

M. SATYANARAYANA MURTHY, J

